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## Regulations

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

[Regs., Serial No. 351]

#### PART 238—CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

##### TEMPORARY SUSPENSION OF SERVICE BY AIR CARRIERS (EXCEPT ALASKAN AIR CARRIERS)

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of November, 1945. (Amendment No. 2 of § 238.6)

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 thereof, hereby makes and promulgates the following regulation:

Effective December 15, 1945, § 238.6 of the Economic Regulations is amended as follows:

§ 238.6 *Temporary suspension of service by air carriers (except Alaskan air carriers)*—(a) *Service of notice.* Prior to or coincident with the filing of any application for temporary suspension of service to or from any point in any certificate of public convenience and necessity (hereinafter referred to as certificate) or to or from any point included in an approved service plan designating points which may be served in general areas named in any certificate, the holder of such certificate, unless otherwise authorized by the Board, shall cause a notice of such filing together with a copy of the application to be served by personal service or registered mail upon:

(1) Each scheduled air carrier which regularly renders service to the point for which temporary suspension of service is sought.

(2) The chief executive of the city, town or other unit of local government at any such point located in the United States or any Territory or possession thereof.

(3) The Secretary of State (marked for the attention of Chief, Aviation Division) if such point is not located in the

United States or any Territory or possession thereof.

(4) The Postmaster General (marked for the attention of the Second Assistant Postmaster General) if the applicant's Certificate authorizes the transportation of United States mail to or from such points.

(5) The Manager or other individual having direct supervision over and responsibility for the management of the airport being used to serve such point at the time the application is filed:

(b) *Contents of notice.* Such notice shall state that it is being served pursuant to § 238.6 of the Economic Regulations of the Civil Aeronautics Board and shall indicate the date upon which the application will be or is being filed.

(c) *Form and contents of application.* The application shall be entitled "Application for Order Authorizing Temporary Suspension of Service" and in addition to the specific relief requested, shall contain a list of the persons upon whom notice of the filing thereof was or is being served, and facts relied upon to establish that the temporary suspension of service for which application is made is in the public interest. An executed original and nine copies of such application with a copy of the notice attached to each shall be filed with the Board.

(d) *Additional service of notice.* Action on the application may be withheld by the Board, in its discretion, pending proof of such additional service of notice by the applicant as the Board may direct.

(e) *Disposition.* The Board will grant such application if it finds that such temporary suspension of service is in the public interest. An order authorizing temporary suspension of service will be subject to revocation or amendment by the Board at any time.

(f) *Authorized suspension of service.* Unless otherwise ordered by the Board, the holder of a certificate shall not be required to file an application or obtain an order of the Board:

(1) For temporary suspension of service to a point named in such certificate, or included in the holder's approved service plan, during such time as the air

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## NOTICE

### 1944 Supplement

The following books of the 1944 Supplement to the Code of Federal Regulations are now available from the Superintendent of Documents, Government Printing Office, at \$3 per copy:

Book 1: Titles 1-10, including Presidential documents in full text.

Book 2: Titles 11-32.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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A numerical list of the parts of the Code of Federal Regulations amended or added by documents published in this issue. Documents carried in the Cumulative Supplement by uncodified tabulation only are not included within the purview of this list.

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carrier operating certificate of the holder does not authorize service to such point through the airport and with the type of aircraft last regularly used by the holder to serve such point,

(2) For temporary suspension of service to:

(i) A point named in a certificate issued pursuant to section 401 (d) or section 401 (e) (2) of the act, and which has never been regularly served by the holder after the date of issuance of the certificate, or

(ii) A point included in the holder's approved service plan and which has never been regularly served by the holder after the date on which such point was included in such approved service plan,

during such time as the air carrier operating certificate of the holder does not authorize service to such point through any airport convenient thereto with any type of aircraft then regularly being used (or, if the holder is not operating, with any type of aircraft proposed to be used) by the holder for scheduled operations between other points served pursuant to such certificate, or

(3) In the case of a point named in a certificate issued pursuant to section 401 (e) (1) of the act, for continued temporary suspension of service to such point if such service was suspended during the thirty days immediately preceding July 31, 1939.

with respect to any such point the Board may by order at any time revoke or amend the authority conferred on the holder of a certificate by this paragraph (f).

(g) *Temporary interruptions of service.* The temporary interruption of service to or from a point named in a certificate, or included in the holder's approved service plan, caused by adverse weather conditions, or by other conditions which the holder could not reasonably have been expected to foresee or control, shall not be deemed to constitute a temporary suspension of service within the meaning of this section or of the terms, conditions or limitations of such certificate.

(h) *Inapplicability.* This section shall not apply to the applications of Alaskan air carriers for temporary suspensions of service.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-21130; Filed, Nov. 21, 1945; 11:51 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

[T. D. 51352]

## WAIVER OF CERTAIN NAVIGATION LAWS RESCINDED

NOVEMBER 19, 1945.

Rescinding orders dated January 19, 1942 and February 27, 1942, waiving compliance with certain navigation laws.

Upon the written recommendation of the Administrator of the War Shipping Administration and the Chairman of the United States Maritime Commission and pursuant to the authority vested in me by the provisions of section 501 of the Second War Powers Act, 1942 (50 U.S.C. App. Sup. 635), as extended by the act of December 20, 1944 (50 U.S.C. App. Sup. 645), I hereby rescind:

(a) The order of the Acting Secretary of Commerce dated January 19, 1942 (7 F.R. 404), which was confirmed and continued by the order of the Acting Secretary of the Treasury dated April 1, 1942 (T. D. 50594) and which waived compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to such extent as to permit the transportation of tung-

sten concentrates on Canadian steamships between Stewart, B. C., and Prince Rupert, B. C., as a portion of the transportation of those concentrates between Hyder, Alaska, and Cleveland, Ohio; and

(b) The order of the Acting Secretary of Commerce dated February 27, 1942 (7 F.R. 1601), which was confirmed and continued by the order of the Acting Secretary of the Treasury dated April 1, 1942 (T.D. 50594) and which waived compliance with the provisions of section 4178 of the Revised Statutes, as amended (46 U.S.C. 46), and of section 4495 of the Revised Statutes (46 U.S.C. 493), in the case of vessels of one thousand gross tons and under operating in the foreign and intercoastal trade.

This order will be effective at midnight December 8, 1945. If the transportation of any merchandise on any Canadian steamship is not completed on or before midnight December 8, 1945, the order of the Acting Secretary of Commerce which is rescinded by subdivision (a) of this order will not relieve the merchandise from the penalties prescribed by section 27 of the Merchant Marine Act, 1920; as amended (46 U.S.C. 883).

[SEAL] HERBERT E. GASTON,  
Acting Secretary of the Treasury.

[F. R. Doc. 45-21128; Filed, Nov. 21, 1945;  
11:28 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter III—Social Security Board, Federal Security Agency

[Reg. 3, Amdt.]

#### PART 403—FEDERAL OLD-AGE AND SUR- VIVORS' INSURANCE

##### SUSPENSION OF STATUTORY PERIODS

Regulations No. 3, as amended (20 CFR, Cum. Sup., 403.1 et seq.), are further amended as follows:

1. Section 403.407 (a) (3) is amended to read:

§ 403.407 *Parent's insurance benefits—*  
(a) *Conditions of entitlement.* \* \* \*

(3) Was wholly dependent upon and supported by (see paragraph (e) of this section) such individual at the time of such individual's death and, except as otherwise provided in § 403.701 (j), has filed proof of such dependency and support within 2 years after the date of such death; and

2. Section 403.408 (a) (3) is amended to read:

§ 403.408 *Lump-sum death pay-  
ments—*(a) *Conditions of payment.*

(3) An application (see § 403.701) for such lump sum has, except as otherwise provided in § 403.701 (j), been filed within 2 years following the death of such individual.

3. The statutory provisions preceding § 403.701 are amended by adding at the end thereof the following:

SECTIONS 101, 104, 205, 601 AND 604 OF THE  
SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF  
1940 (54 STAT. 1178)

SEC. 101. *Definitions.* (1) The term "persons in military service" and the term "persons in the military service of the United States," as used in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. \* \* \*

(2) The term "period of military service," as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force. \* \* \*

SEC. 104. *Extension of benefits to citizens serving with forces of war allies.* Persons who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages, while this Act remains in force and who immediately prior to such service were citizens of the United States shall, except in those cases provided for in section 512, be entitled to the relief and benefits afforded by this Act if such service is similar to military service as defined in this Act, unless they are dishonorably discharged therefrom, or it appears that they do not intend to resume United States citizenship. \* \* \*

SEC. 205. *Statutes of limitations as affected by period of service.* The period of military service shall not be included in computing any period now or hereafter to be limited by any law, regulation, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department or other agency of government by or against any person in military service or by or against his heirs; executors, administrators, or assigns, whether such cause of action or the right or privilege to institute such action or proceeding shall have accrued prior to or during the period of such service. \* \* \*

SEC. 601. *Certificates of service; persons reported missing.* \* \* \*

(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force. \* \* \*

SEC. 604. *Termination of Act.* This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the

termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

4. Section 403.701 (g) is amended to read:

§ 403.701 *Filing of application and other forms.* \* \* \*

(g) *Time of filing applications for lump sums.* An application for a lump sum must, except as otherwise provided in paragraph (j) of this section, be filed within 2 years after the date of the death of the individual upon the basis of whose wages such lump sum is claimed (see § 403.408 (a) (3)).

5. Section 403.701, as amended, is further amended by adding a new paragraph (j) as follows:

§ 403.701 *Filing of applications and other forms.* \* \* \*

(j) *Extensions of filing periods by Soldiers' and Sailors' Civil Relief Act of 1940.* Pursuant to the Soldiers' and Sailors' Civil Relief Act of 1940, in computing the periods allowed for the filing of an application for lump-sum death payment under section 202 (g) (see § 403.408), filing of proof of parent's dependency and support under section 202 (f) (see § 403.407), filing of a request for revision of wage record under section 205 (c) (see § 403.706), filing of a request for reconsideration (see § 403.703), filing of a request for a hearing (see § 403.703), and filing of a request for review (see § 403.710), by a person in military service or by a surviving civilian relative of such person in military service meeting the test of wife, widow, child, or parent under section 203 (m) (or, in the case of lump-sum death payments, the test of relatives designated by section 202 (g)) of the Social Security Act, there shall not be included that portion of the period of his military service (as defined in the Soldiers' and Sailors' Civil Relief Act of 1940) falling within the period so to be computed. The period of military service commences with the effective date of the act (October 17, 1940) or the date of his entrance into active military service (whichever is later) and ends upon (1) the date the act ceases to be in force or the date of his death or discharge from service (whichever is earlier) or (2) if he was reported missing and is subsequently found (actually or presumptively) to have died, then (i) the date such death is reported to or found by the proper service department, or (ii) the date such finding is made by a court of competent jurisdiction, or (iii) six months after the Act ceases to be in force (whichever date is earliest). For the purposes of this section, the Soldiers' and Sailors' Civil Relief Act will cease to be in force six months after the termination of World War II by a treaty of peace proclaimed by the President.

The term, person in military service, as used in these regulations shall include, in addition to members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public

Health Service detailed by proper authority for duty either with the Army or the Navy, persons serving in the armed forces of nations allied with the United States who immediately preceding such service were citizens of the United States, unless they are dishonorably discharged or it appears that they do not intend to resume United States citizenship.

6. Section 403.702 (i) is amended to read:

**§ 403.702 Supporting evidence, etc.**

(i) *Evidence as to the dependency of a parent.* A parent who claims to have been wholly dependent upon and supported by an individual shall, in filing proof of such dependency, submit a verified statement setting forth, as of the time of such individual's death, and for a period of not less than one year prior to such time, the amount and kind of contributions made to the parent by such individual. The statement shall also describe the tangible and intangible property owned by the parent, and, for a period of one year prior to such death, the income from such property and any other income (including contributions from other children and relatives) received by the parent, and the amount and source of such income. Proof that a parent was wholly dependent upon and supported by an individual, at the time of such individual's death, must, except as otherwise provided in § 403.701 (j), be filed within two years after the death of such individual (see § 403.407 (a) (3)).

7. Section 403.703 (b) is amended to read as follows:

**§ 403.703 Wage records.**

(b) *Evidence in support of wage-record revision.* When a request for the revision of an individual's wage record, as provided in paragraph (a) of this section, is filed prior to the expiration of the fourth year after the year in which the wages in question were paid or are alleged to have been paid, the individual requesting the revision shall submit supporting evidence of probative value as to the time of payment of such alleged wages, the amount thereof, the nature of the services for which the wages are alleged to have been paid, and the name and address of the employer or employers who paid such wages.

If the request for the revision of the Board's wage records is filed after the expiration of such fourth year, there shall, except as provided in § 403.701 (j), be no revision of such records with respect to such wages except to conform such records to a tax return, or portion of a return (including information returns and other written statements), filed with the Commissioner of Internal Revenue under Title VIII of the Social Security Act or the Federal Insurance Contributions Act or regulations made under authority thereof.

8. Section 403.706 (a) (4) is amended to read:

**§ 403.706 Initial determination—(a) Determinations affecting benefits, lump sums, and wage records.**

(4) *Parent's dependency.* The Bureau shall make findings, setting forth the pertinent facts and conclusions, and an initial determination as to whether a parent (hereafter referred to as the party to the determination) was wholly dependent upon and supported by a fully insured individual at the time of such individual's death. Such findings of fact and determination shall be made when evidence of such dependency and support is submitted by the party at a time prior to the filing of an application by him for parent's insurance benefits, but, except as otherwise provided in § 403.701 (j), within 2 years after the death of the insured individual. (See §§ 403.704 (a) (3) and 403.702 (i).)

9. Section 403.708 (b) is amended to read:

**§ 403.708 Reconsideration.**

(b) *Time and place of filing request for reconsideration.* The request for reconsideration shall be made in writing and filed at an office of the Bureau.

The request for reconsideration, unless the determination to be reconsidered is with respect to the revision of the Board's wage records (see § 403.706 (a) (5)), must be filed within six months from the date of mailing notice of the initial determination, except as is provided in §§ 403.701 (j) and 403.711 (a).

The request for the reconsideration of an initial determination as to the revision of the Board's wage records may be filed at any time after the mailing of notice of such determination, but, if the request is filed more than 60 days after the fourth calendar year following the year in which the wages in question were paid or are alleged to have been paid, except as provided in § 403.701 (j), such determination will not be reconsidered except for the purpose of revising the wage records in accordance with section 205 (c) (4) of the act (see § 403.703).

10. Section 403.709 (b) is amended to read:

**§ 403.709 Hearing.**

(b) *Time and place of filing request for hearing.* The request for hearing shall be made in writing and filed at an office of the Bureau, with a referee, or with the Appeals Council of the Social Security Board.

If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), and the matter to be heard is not with respect to the revision of the Board's wage records, the request for hearing must be filed within six months from the date of mailing notice of the initial determination, except as is provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed and the matter to be heard is not with respect to the revision of the Board's wage records, (1) the request for hearing may be filed at any time prior to the mailing of notice of the reconsidered determination if such notice has not been mailed within 45 days after the filing of the

request for reconsideration, or (2) the request for hearing must be filed within 3 months after the date of mailing notice of the reconsidered determination, except as is provided in §§ 403.701 (j) and 403.711 (a).

If the matter to be heard is with respect to the revision of the Board's wage records, the request for hearing may be filed at any time after the mailing of notice of the initial or reconsidered determination, but if a request for reconsideration has been filed the request for hearing may not be filed until after the mailing of notice of the reconsidered determination unless such notice has not been mailed within 45 days after the filing of the request for reconsideration. However, if the request for hearing is filed more than 60 days after the expiration of the fourth calendar year following the year in which the wages in question were paid or are alleged to have been paid, except as provided in § 403.701 (j), no hearing will be held with respect to the revision of the wage records except as is provided in section 205 (c) of the act (see § 403.703).

11. Section 403.710 (b) is amended to read as follows:

**§ 403.710 Appeals Council proceedings on certification and review.**

(b) *Review of referee's decision or Bureau's revised determination.* If a referee has made a decision or the Bureau has revised its determination, as provided in § 403.709 (k), any party thereto may request the Appeals Council to review such decision or revised determination. The request for review shall be made in writing and filed with an office of the Bureau, a referee, or the Appeals Council. The request for review shall be filed within 30 days from the date of mailing notice of the referee's decision or the Bureau's revised determination except as is provided in §§ 403.701 (j) and 403.711 (a).

The Appeals Council may, in its discretion, decline a party's request for the review of a referee's decision or the Bureau's revised determination, or the Council may, within 90 days from the date of mailing notice of such decision or revised determination, review such decision or revised determination on its own motion. Notice of the action by the Appeals Council in determining to review on its own motion or granting or declining a party's request for review shall be mailed to the parties at their last known addresses.

12. Section 403.711 (b) is amended to read as follows:

**§ 403.711 Extension of time and revision.**

(b) *Revision for error.* An initial determination or reconsidered determination of the Bureau, provided for in §§ 403.706 (a) and 403.708 (e), or a determination of the Bureau which has been revised by it when the case has been remanded, as provided for in § 403.709 (k), may be revised by the Bureau, either upon the Bureau's own motion or upon the petition of any party when it clearly

appears that there was an error of fact or law in such determination or that such determination was procured by misrepresentation or fraud. However, except as provided in § 403.701 (j), no determination as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the act, after the fourth calendar year following the year in which the wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

Either upon the referee's or the Appeals Council's own motion, as the case may be, or upon the petition of any party to a hearing, any decision of a referee provided for in § 403.709 (k) may be revised by such referee or the Appeals Council, and any decision of the Appeals Council provided for in § 403.710 (d) may be revised by the Appeals Council, when it clearly appears that there was an error of fact or law in such decision or that such decision was procured by fraud or misrepresentation. However, except as provided in § 403.701 (j), no decision as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the act, after the fourth calendar year following the year in which wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

When any determination or decision is revised, as provided in this paragraph, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses. The notice of revision, which is mailed to the parties, shall state the basis for the revision and inform the parties of their right to a hearing, as provided herein. Except as provided in § 403.701 (j), the revision of the determination or decision shall be final and binding upon all such parties unless such a party, within 60 days after the date of mailing notice of the revision, files a written request for a hearing. Upon the filing of such a request, a hearing with respect to such revision shall be held and decision made in accordance with the provisions of § 403.709.

(Sec. 205 (a), 53 Stat. 1363, sec. 1102, 49 Stat. 647; 42 U.S.C. 405 (a); 1302; interprets sec. 202, 53 Stat. 1363, sec. 205 (b), (c), (g), 53 Stat. 1363; 42 U.S.C. 402, 405 (b), (c), (g))

In pursuance of sections 205 (a) and 1102 of the Social Security Act as amended, the foregoing regulations adopted by the Board are hereby prescribed this 14th day of November 1945.

[SEAL] SOCIAL SECURITY BOARD,  
A. J. ALTMAYER,  
Chairman.

Approved: November 19, 1945.

MAURICE COLLINS,  
Acting Federal Security  
Administrator.

[F. R. Doc. 45-21104; Filed, Nov. 20, 1945;  
2:54 p. m.]

## TITLE 25—INDIANS

### Chapter I—Office of Indian Affairs, Department of the Interior

#### Subchapter Q—Leases and Permits on Restricted Indian Lands

#### PART 177—AGRICULTURAL AND GRAZING LEASES, OSAGE NATION, OKLAHOMA

##### BUSINESS LEASES AND THEIR APPROVAL

The following new section is added:

§ 177.19 *Business leases.* Restricted property of the Osage Indians may be leased by the Indians having restricted interests therein for business purposes for terms not to exceed five years, subject to approval or disapproval of the Superintendent of such leases where the annual rental does not exceed \$1,000. All other business leases shall be subject to the approval or disapproval of the Commissioner of Indian Affairs. Any interested party dissatisfied with the action taken, may within 90 days from the notice of such action by the Superintendent, appeal to the Commissioner of Indian Affairs and may within 90 days from the notice of any action of the Commissioner appeal to the Secretary of the Interior. Where formal hearings are granted on appeals to the Secretary of the Interior, such hearings shall be held by the Board of Appeals of the Department of the Interior and the decision of the said board when approved by the Secretary shall be final. (Secs. 7 and 12, 34 Stat. 539; secs. 161 and 463 RS, sec. 22, 5 U.S.C., sec. 2, 25 U.S.C.)

OSCAR L. CHAPMAN,  
Assistant Secretary.

NOVEMBER 16, 1945.

[F. R. Doc. 45-21123; Filed, Nov. 21, 1945;  
9:52 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter XI—Office of Price Administration

#### PART 1389—APPAREL

[RMFR 304; Amdt. 3]

##### SPECIFIED UTILITY SHIRTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 304 is amended in the following respects:

1. The first undesignated paragraph of section 2 (b) is amended to read as follows:

(b) *Cotton flannel shirts.* Retail ceiling prices for cotton flannel shirts are listed in Tables I, II and III of Appendix C. Table I contains retail ceilings for all cotton suede and cotton moleskin shirts except those purchased from Group B factories (see Table III); retail ceilings for cotton plaid and cotton domet shirts are found in Table I, II or III, depending upon the source of supply.

2. Examples 1, 2 and 3 in section 2 (b) (2) are amended to read as follows:

18 F.R. 12315; 10 F.R. 5039, 11495.

*Example 1.* Manufacturer Y, a Group A manufacturer, is obliged to sell at or below the Class I ceiling on part of his sales, but is permitted to make the rest of his sales at Class II prices. Y's Class I ceiling on style 493 (his 3.00 yard unshrunk plaid flannel) is \$11.46½ per dozen, and his Class II ceiling is \$12.21½ per dozen. Y sells this number to retailer Z at \$11.75 per dozen.

Since \$11.75 is higher than Y's Class I ceiling for this flannel shirt (\$11.46½), Z takes \$12.21½ (The Class II ceiling) as his supplier's ceiling price, and turns to Table II (which contains retail ceilings for cotton flannel shirts bought from Group A manufacturers). In Table II, Z finds his retail ceiling to be \$1.45.

*Example 2.* Manufacturer Y sells his style 493 to retailer X at the Class I ceiling of \$11.46½ per dozen, and later sells X another lot of the same style at the Class II ceiling of \$12.21½.

X must take \$11.46½ as his supplier's ceiling price for both lots. Since this is a cotton flannel shirt purchased from a Group A manufacturer, the retail ceiling is found in Table II. X finds a retail ceiling of \$1.23 for both lots of style number 493.

*Example 3.* Retailer B buys style number 493 from Y at Y's Class I ceiling of \$11.46½, and later gets more of Y's style number 493 from a wholesaler at the wholesaler's ceiling of \$13.57½.

In figuring his retail ceiling for style number 493, B takes \$11.46½ as his supplier's ceiling, and finds in Table II that his retail ceiling for both lots of this style number is \$1.23 per garment.

3. Examples 1 and 2 in section 2 (b) (3) are amended to read as follows:

*Example 1.* C, a retail chain, buys shirts from manufacturer Y at \$11.46½, Y's Class I ceiling. C sells them to D, another retail chain, at \$11.63½, (which is equal to C's cost plus freight actually paid by him).

In figuring his retail ceiling, D assumes his supplier's ceiling price to be \$11.46½ (the ceiling of C's supplier) not \$11.63½ (the price D actually paid). Consequently, D's retail ceiling, found in Table II is \$1.23 (not \$1.37).

*Example 2.* E, an independent retailer, buys shirts from manufacturer M at M's Class II ceiling of \$12.21½. E decides to liquidate, and sells them to an auctioneer at \$11.50 per dozen. The auctioneer resells them to F, another retailer, for \$12.38½ (this being the price paid by E, plus transportation charges incurred by the auctioneer).

In figuring his retail ceiling, F takes \$12.21½ as his supplier's ceiling, so that his retail ceiling, found in Table II, is \$1.45 (Not \$1.37).

4. The second undesignated paragraph of section 2 (b) (5) is amended to read as follows:

In the case of men's shirts made in Group B factories (for which there is no separate Class I ceiling), the manufacturer's Group B ceiling is taken as the supplier's ceiling price, and Table III in Appendix C must be used.

5. Examples 1 and 2 in section 3 (b) (1) are amended to read as follows:

*Example 1.* J, a large retailer, buys shirts from a manufacturer at the Class I ceiling of \$11.40½, and pays 17¢ a dozen for freight. He now wants to resell them to K, a second retailer.

J's ceiling price for this sale is \$11.63½, his cost plus freight.

*Example 2.* L, a wholesaler, buys shirts from a manufacturer at the Class I ceiling of \$11.40½. L now liquidates, and resells the shirts to another wholesaler.

In figuring his price for this second special sale L takes as his cost \$11.46½ (the price



TABLE III—BOYS' IN-AND-OUTERS

Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Made in work shirt factories—sizes 6 to 18 4 optional, small, medium, or large		Made in dress and sport shirt factories—sizes 6-20, 4 optional, small, medium, or large and very large	
				Class I ceiling	Class II ceiling	Class I ceiling	Class II ceiling
Flannel	Plaid	4.75 (3 1/4 oz.)	Unshrunk	\$7.11 1/2	\$7.57	\$7.78	\$8.00
	do	4.50 (3 1/4 oz.)	do	7.20 1/2	7.57	7.69	8.00
	do	3.50 (3 1/4 oz.)	do	8.78	8.84	9.17	10.53
	do	3.00 (3 1/4 oz.)	do	8.78	8.84	9.66	11.03
	do	3.00 (3 1/4 oz.)	Shrunk	9.74	10.45 1/2	10.75	12.31
	do	2.25 (7 oz.)	Unshrunk	9.86 1/2	10.45 1/2	10.88	12.45
	do	2.25 (7 oz.)	Shrunk	11.12 1/2	11.65 1/2	12.34	14.10

9. Tables I, II and III in Appendix B are amended to read as follows:

WHOLESALE CEILING PRICES—ALL REGIONS

TABLE I—MEN'S SHIRTS

(Regular shirts—sizes 14 1/2-17; in-and-outers—small, medium and large)

Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Shirts made in group A factories	
				East and central	Mountain and Pacific
Flannel	Plaid	3.50 (4 1/2 oz.)	Unshrunk	\$12.77 1/2	\$13.02 1/2
	do	3.00 (4 1/2 oz.)	do	13.57 1/2	13.82 1/2
	do	2.50 (4 1/2 oz.)	do	15.67 1/2	15.92 1/2
	do	2.25 (7 oz.)	Unshrunk	16.20 1/2	16.45 1/2
	do	2.25 (7 oz.)	Shrunk	18.71	18.96
	do	1.85 (8 1/2 oz.)	do	20.43	20.68
	do	1.85 (8 1/2 oz.)	Unshrunk	20.92	21.18
	do	3.00 (6 1/2 oz.)	do	13.43	13.68
	do	2.40 (6 1/2 oz.)	do	15.39 1/2	15.64 1/2
	do	2.25 (7 oz.)	Unshrunk	15.15	15.40
	do	2.25 (7 oz.)	Shrunk	15.41 1/2	15.66 1/2
	do	2.00 (8 oz.)	do	18.17	18.42
	do	3.45 (4 1/2 oz.)	Unshrunk	16.39	16.64
	do	3.45 (4 1/2 oz.)	Shrunk	12.73	12.98
	do	3.00 (4 1/2 oz.)	do	13.90 1/2	14.15 1/2
	do	3.00 (4 1/2 oz.)	do	14.53	14.78
	do	3.00 (4 1/2 oz.)	do	13.99	14.24
	do	3.00 (4 1/2 oz.)	do	15.23	15.48
	do	3.00 (4 1/2 oz.)	do	16.59 1/2	16.84 1/2
	do	2.33 (6 1/2 oz.) (10.7-36")	do	18.89	19.14
	do	2.00 (8 oz.)	do	18.89	19.14
	do	2.00 (8 oz.)	do	19.01	19.26
	do	1.60 (10 oz.)	do	23.13	23.38
	do	1.60 (10 oz.)	do	23.13	23.38
	do	1.63 (9 1/2 oz.) (1.32-30")	do	22.00	22.25
	do	1.63 (9 1/2 oz.)	do	22.00	22.25

paid by I), and adds freight paid by him. If M pays 17¢ a dozen for freight, M's ceiling is \$11.63 1/2.

6. In the example of marking in section 7 (d) (2), the figure "\$1.35" is amended to read "\$1.39."

7. Paragraph (c) of section 11 is revoked.

8. Tables I, II and III in Appendix A are amended to read as follows:

MANUFACTURERS' CEILING PRICES

TABLE I—MEN'S SHIRTS

(Regular shirts—sizes 14 1/2-17; in-and-outers—small, medium, and large)

Fabric finish	Color or pattern	Weight in yards per pound or ounce per yard	Shrinkage or Shrink	Shirts made in group A factories		Shirts made in group B factories—transportation charges prepaid
				Class I ceiling	Class II ceiling	
Flannel	Plaid	3.50 (4 1/2 oz.)	Unshrunk	\$10.70 1/2	\$11.42	\$14.23
	do	3.00 (4 1/2 oz.)	do	11.46 1/2	12.21 1/2	15.14
	do	3.00 (4 1/2 oz.)	Shrunk	13.23	14.10 1/2	16.95
	do	2.66 (6 oz.)	do	14.66	15.65	18.79 1/2
	do	2.25 (7 oz.)	Unshrunk	13.66	14.50 1/2	17.11
	do	2.25 (7 oz.)	Shrunk	15.71 1/2	16.59	20.67
	do	1.85 (8 1/2 oz.)	do	16.23	17.11	20.67
	do	1.85 (8 1/2 oz.)	Unshrunk	17.51 1/2	18.39 1/2	22.51 1/2
	do	4.20 (3 1/4 oz.)	do	12.60 1/2	13.48 1/2	14.74
	do	3.00 (3 1/4 oz.)	do	12.60 1/2	13.48 1/2	16.54
	do	3.00 (3 1/4 oz.)	Shrunk	12.80 1/2	13.68 1/2	16.31 1/2
	do	2.25 (7 oz.)	Unshrunk	12.60 1/2	13.48 1/2	17.07 1/2
	do	2.25 (7 oz.)	Shrunk	14.92 1/2	15.79 1/2	19.50
	do	2.58 (7 oz.)	do	15.23 1/2	16.10 1/2	17.78 1/2
	do	2.00 (8 oz.)	Unshrunk	13.65	14.50 1/2	14.08
	do	3.45 (4 1/2 oz.)	do	10.38	11.42	16.16 1/2
	do	3.00 (4 1/2 oz.)	do	11.30 1/2	12.42	16.73
	do	3.00 (4 1/2 oz.)	do	11.80 1/2	13.02	16.24
	do	3.00 (4 1/2 oz.)	do	11.40	12.63	16.24
	do	3.00 (4 1/2 oz.)	do	12.43	13.77	16.28
	do	2.00 (8 oz.)	do	15.93	17.62	20.60
	do	2.00 (8 oz.)	do	14.32	16.87	19.90
	do	2.00 (8 oz.)	do	16.89	17.60	20.54
	do	2.00 (8 oz.)	do	17.01	19.73	22.82
	do	1.60 (10 oz.)	do	19.23	21.25	24.37
	do	1.60 (10 oz.)	do	15.54	17.11	20.15
	do	1.63 (9 1/2 oz.) (1.32-50")	do	18.34	20.21	23.31
	do	1.63 (9 1/2 oz.)	do	18.34	20.21	23.31

TABLE II—BOYS' REGULAR SHIRTS  
(Sizes 6 to 14; size 4 optional)

Fabric finish	Color or pattern	Weight in yards per pound or ounce per yard	Shrinkage or shrink	Shirts made in group A factories	
				Class I ceiling	Class II ceiling
Flannel	Plaid	4.50 (3 1/4 oz.)	Unshrunk	\$7.74 1/2	\$8.23
	do	3.50 (4 1/2 oz.)	do	8.85 1/2	9.41 1/2
	do	3.00 (4 1/2 oz.)	do	9.35	9.91 1/2
	do	3.00 (4 1/2 oz.)	Shrunk	10.79	11.35 1/2
	do	3.00 (4 1/2 oz.)	do	10.73 1/2	11.31 1/2
	do	2.25 (7 oz.)	Unshrunk	12.25 1/2	13.13
	do	2.25 (7 oz.)	Shrunk	12.25 1/2	13.13
	do	4.50 (3 1/4 oz.)	Unshrunk	7.82 1/2	8.35
	do	3.00 (4 1/2 oz.)	do	9.28	10.14 1/2

TABLE I—BOYS' REGULAR SHIRTS  
(Sizes 6-14; 4 optional)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Shirts made in group A factories	
				East and Central	Mountain and Pacific
Flannel	Plaid	4.50 (3½ oz.)	Unshrunk	\$3.17½	\$3.42½
	do.	3.75 (4½ oz.)	do.	10.50½	10.75½
	do.	3.00 (5½ oz.)	do.	11.12½	11.37½
	do.	3.00 (5½ oz.)	Shrunk	12.50½	12.75½
	do.	2.28 (7 oz.)	Unshrunk	12.75½	13.00½
	do.	2.28 (7 oz.)	Shrunk	14.00½	14.25½
Woven domet	Plain	4.20 (3½ oz.)	Unshrunk	9.00½	9.25½
Suede	Tan or gray	3.00 (6½ oz.)	do.	11.25	11.50

TABLE III—BOYS' IN-AND-OUTERS

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Fabric finish	Color or pattern	Weight in yards per pound or ounces per yard	Shrinkage	Made in work shirt factories, sizes 6-18 (4 optional) or small, medium and large		Made in dress and sport shirt factories, sizes 6-20 (4 optional) or small, medium, large and very large	
				East and Central	Mountain and Pacific	East and Central	Mountain and Pacific
Flannel	Plaid	4.75 (3½ oz.)	Unshrunk	\$3.47½	\$3.72½	\$3.72	\$3.97
	do.	4.50 (3½ oz.)	do.	8.64	8.89	9.67	10.12
	do.	3.50 (4½ oz.)	do.	9.83	10.08	11.43	11.71
	do.	3.00 (5½ oz.)	do.	10.48	10.73	12.07	12.32
	do.	3.00 (5½ oz.)	Shrunk	11.67	11.92	13.44	13.69
	do.	2.28 (7 oz.)	Unshrunk	11.74½	11.99½	13.63	13.88
	do.	2.28 (7 oz.)	Shrunk	13.23½	13.48½	15.42	15.67

10. Appendix C is amended to read as follows:

#### APPENDIX C—TABLES OF RETAIL CEILING PRICES INSTRUCTIONS

(1) Ceiling prices for Official Boy Scout shirts are given in Table IV. These prices require no explanation.

(2) Ceiling prices for cotton flannel shirts are listed in Tables I, II and III. Table I contains retail ceilings for all cotton suede and cotton moleskin shirts except those purchased from Group B factories; retail ceilings for cotton flannel and cotton domet shirts are found in Table I, Table II or Table II depending upon the source of supply. In each table, the ceiling is given according to your supplier's net ceiling price. This price must be found according to the rules in section 2. Read this section before using the tables.

When you have found your supplier's net ceiling price, look in Column 1 of the appropriate table for the bracket in which this price belongs. Then look at the figure opposite in column 2; that is your ceiling price per garment.

For example, suppose you buy a 3.00-unshrunk plaid flannel shirt from a manufacturer at \$11.46½ (the Group A manufacturer's Class I ceiling for such a shirt). The heading to Table II states that your ceiling is determined under that table. Follow down column 1 in Table II until you find the bracket \$11.34-\$11.49+. Opposite these figures, in column 2 you find the retail ceiling of \$12.9 (\$11.49+ includes any fractional cent over \$11.49).

#### TABLE I—RETAIL CEILING PRICES FOR—

1. Cotton suede and cotton moleskin shirts (except when purchased from Group B factories).

2. Cotton flannel and cotton domet shirts purchased from:

(a) Dress or sport shirt factories.

(b) Wholesalers, if the wholesaler purchased such shirts from a dress or sport shirt factory.

TABLE I—Continued

Column 1	Column 2
Supplier's ceiling price (per dozen)	Retail ceiling price (per garment)
\$10.42-\$10.48+	1.23
\$10.49-\$10.55+	1.23
\$10.57-\$10.63+	1.30
\$10.65-\$10.72+	1.31
\$10.73-\$10.80+	1.32
\$10.81-\$10.83+	1.33
\$10.83-\$10.86+	1.34
\$10.87-\$11.04+	1.35
\$11.05-\$11.12+	1.35
\$11.13-\$11.20+	1.37
\$11.21-\$11.23+	1.38
\$11.23-\$11.26+	1.38
\$11.27-\$11.43+	1.40
\$11.44-\$11.51+	1.41
\$11.52-\$11.53+	1.42
\$11.53-\$11.57+	1.43
\$11.58-\$11.75+	1.44
\$11.76-\$11.83+	1.45
\$11.84-\$11.91+	1.46
\$11.92-\$11.93+	1.47
\$12.00-\$12.07+	1.48
\$12.08-\$12.15+	1.49
\$12.16-\$12.23+	1.50
\$12.24-\$12.31+	1.51
\$12.32-\$12.33+	1.52
\$12.40-\$12.46+	1.53
\$12.47-\$12.54+	1.54
\$12.55-\$12.62+	1.55
\$12.63-\$12.70+	1.56
\$12.71-\$12.78+	1.57
\$12.79-\$12.86+	1.58
\$12.87-\$12.94+	1.59
\$12.95-\$13.02+	1.60
\$13.03-\$13.10+	1.61
\$13.11-\$13.18+	1.62
\$13.19-\$13.26+	1.63
\$13.27-\$13.34+	1.64
\$13.35-\$13.41+	1.65
\$13.42-\$13.49+	1.66
\$13.50-\$13.57+	1.67
\$13.58-\$13.65+	1.68
\$13.66-\$13.73+	1.69
\$13.74-\$13.81+	1.70
\$13.82-\$13.89+	1.71
\$13.90-\$13.97+	1.72
\$13.98-\$14.05+	1.73
\$14.06-\$14.13+	1.74
\$14.14-\$14.21+	1.75
\$14.22-\$14.29+	1.76
\$14.30-\$14.37+	1.77
\$14.38-\$14.44+	1.78
\$14.45-\$14.52+	1.79
\$14.53-\$14.60+	1.80
\$14.61-\$14.63+	1.81
\$14.63-\$14.76+	1.82
\$14.77-\$14.84+	1.83
\$14.85-\$14.92+	1.84
\$14.93-\$15.00+	1.85
\$15.01-\$15.03+	1.86
\$15.03-\$15.16+	1.87
\$15.17-\$15.24+	1.88
\$15.25-\$15.32+	1.89
\$15.33-\$15.39+	1.90
\$15.40-\$15.47+	1.91
\$15.48-\$15.55+	1.92
\$15.56-\$15.63+	1.93
\$15.64-\$15.71+	1.94
\$15.72-\$15.79+	1.95
\$15.80-\$15.87+	1.96
\$15.88-\$15.95+	1.97
\$15.96-\$16.03+	1.98
\$16.04-\$16.11+	1.99
\$16.12-\$16.19+	2.00
\$16.20-\$16.27+	2.01
\$16.28-\$16.35+	2.02
\$16.36-\$16.42+	2.03
\$16.43-\$16.50+	2.04
\$16.51-\$16.58+	2.05
\$16.59-\$16.66+	2.06
\$16.67-\$16.74+	2.07
\$16.75-\$16.82+	2.08
\$16.83-\$16.90+	2.09
\$16.91-\$16.93+	2.10
\$16.93-\$17.03+	2.11
\$17.04-\$17.14+	2.12
\$17.15-\$17.22+	2.13

TABLE I—Continued

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$17.23-\$17.30+	2.14
\$17.31-\$17.37+	2.15
\$17.38-\$17.45+	2.16
\$17.46-\$17.53+	2.17
\$17.54-\$17.61+	2.18
\$17.62-\$17.69+	2.19
\$17.70-\$17.77+	2.20
\$17.78-\$17.85+	2.21
\$17.86-\$17.93+	2.22
\$17.94-\$18.01+	2.23
\$18.02-\$18.09+	2.24
\$18.10-\$18.17+	2.25
\$18.18-\$18.25+	2.26
\$18.26-\$18.33+	2.27
\$18.34-\$18.40+	2.28
\$18.41-\$18.48+	2.29
\$18.49-\$18.56+	2.30
\$18.57-\$18.64+	2.31
\$18.65-\$18.72+	2.32
\$18.73-\$18.80+	2.33
\$18.81-\$18.88+	2.34
\$18.89-\$18.96+	2.35
\$18.97-\$19.04+	2.36
\$19.05-\$19.12+	2.37
\$19.13-\$19.20+	2.38
\$19.21-\$19.28+	2.39
\$19.29-\$19.35+	2.40
\$19.36-\$19.43+	2.41
\$19.44-\$19.51+	2.42
\$19.52-\$19.59+	2.43
\$19.60-\$19.67+	2.44
\$19.68-\$19.75+	2.45
\$19.76-\$19.83+	2.46
\$19.84-\$19.91+	2.47
\$19.92-\$19.99+	2.48
\$20.00-\$20.07+	2.49
\$20.08-\$20.15+	2.50
\$20.16-\$20.23+	2.51
\$20.24-\$20.31+	2.52
\$20.32-\$20.38+	2.53
\$20.39-\$20.46+	2.54
\$20.47-\$20.54+	2.55
\$20.55-\$20.62+	2.56
\$20.63-\$20.70+	2.57
\$20.71-\$20.78+	2.58
\$20.79-\$20.86+	2.59
\$20.87-\$20.94+	2.60
\$20.95-\$21.02+	2.61
\$21.03-\$21.10+	2.62
\$21.11-\$21.18+	2.63
\$21.19-\$21.26+	2.64
\$21.27-\$21.33+	2.65
\$21.34-\$21.41+	2.66
\$21.42-\$21.49+	2.67
\$21.50-\$21.57+	2.68
\$21.58-\$21.65+	2.69
\$21.66-\$21.73+	2.70
\$21.74-\$21.81+	2.71
\$21.82-\$21.89+	2.72
\$21.90-\$21.97+	2.73
\$21.98-\$22.05+	2.74
\$22.06-\$22.13+	2.75
\$22.14-\$22.21+	2.76
\$22.22-\$22.28+	2.77
\$22.29-\$22.36+	2.78
\$22.37-\$22.44+	2.79
\$22.45-\$22.52+	2.80
\$22.53-\$22.60+	2.81
\$22.61-\$22.68+	2.82
\$22.69-\$22.76+	2.83
\$22.77-\$22.84+	2.84
\$22.85-\$22.92+	2.85
\$22.93-\$23.00+	2.86
\$23.01-\$23.08+	2.87
\$23.09-\$23.16+	2.88
\$23.17-\$23.24+	2.89
\$23.25-\$23.31+	2.90
\$23.32-\$23.39+	2.91
\$23.40-\$23.47+	2.92
\$23.48-\$23.55+	2.93
\$23.56-\$23.63+	2.94
\$23.64-\$23.71+	2.95
\$23.72-\$23.79+	2.96

TABLE II—RETAIL CEILING PRICES FOR COTTON FLANNEL AND COTTON DOMEY SHIRTS PURCHASED FROM

1. Any group A or work shirt factory.
2. Wholesalers (except when the wholesaler purchased such shirts from a dress or sport shirt factory).

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$7.00-\$7.12+	\$0.80
\$7.13-\$7.21+	.81
\$7.22-\$7.30+	.82
\$7.31-\$7.38+	.83
\$7.39-\$7.48+	.84
\$7.49-\$7.56+	.85
\$7.57-\$7.68+	.86
\$7.69-\$7.78+	.87
\$7.79-\$7.88+	.88
\$7.87-\$7.92+	.89
\$7.93-\$8.00+	.90
\$8.01-\$8.07+	.91
\$8.08-\$8.12+	.93
\$8.13-\$8.17+	.94
\$8.18-\$8.22+	.95
\$8.23-\$8.29+	.96
\$8.30-\$8.34+	.97
\$8.35-\$8.48+	.99
\$8.47-\$8.85+	1.00
\$8.86-\$9.24+	1.06
\$9.25-\$9.36+	1.08
\$9.37-\$9.40+	1.11
\$9.41-\$9.74+	1.12
\$9.75-\$9.79+	1.13
\$9.80-\$9.90+	1.17
\$9.91-\$9.99+	1.18
\$10.00-\$10.08+	1.19
\$10.09-\$10.18+	1.20
\$10.19-\$10.27+	1.21
\$10.28-\$10.36+	1.22
\$10.37-\$10.44+	1.24
\$10.45-\$10.59+	1.25
\$10.60-\$10.70+	1.26
\$10.71-\$11.12+	1.27
\$11.13-\$11.33+	1.28
\$11.34-\$11.49+	1.29
\$11.50-\$11.66+	1.37
\$11.67-\$11.73+	1.39
\$11.74-\$11.79+	1.40
\$11.80-\$11.88+	1.42
\$11.89-\$11.96+	1.43
\$11.97-\$12.06+	1.44
\$12.07-\$12.69+	1.45
\$12.70-\$13.23+	1.50
\$13.24-\$13.65+	1.58
\$13.66-\$13.76+	1.60
\$13.77-\$13.88+	1.64
\$13.87-\$14.00+	1.66
\$14.01-\$14.07+	1.67
\$14.08-\$14.15+	1.68
\$14.16-\$14.30+	1.69
\$14.31-\$14.40+	1.71
\$14.41-\$14.50+	1.73
\$14.51-\$14.68+	\$1.74
\$14.69-\$15.00+	1.76
\$15.01-\$15.72+	1.78
\$15.73-\$15.77+	1.88
\$15.78-\$15.85+	1.90
\$15.86-\$15.89+	1.92
\$15.90-\$16.39+	1.93
\$16.40-\$16.50+	1.95
\$16.60-\$16.79+	1.97
\$16.80-\$17.23+	1.98
\$17.24-\$17.30+	2.00
\$17.31-\$17.38+	2.03
\$17.39-\$17.46+	2.06
\$17.47-\$17.56+	2.08
\$17.57-\$17.90+	2.12
\$17.91-\$18.16+	2.15
\$18.17-\$18.38+	2.17
\$18.39-\$18.59+	2.20
\$18.60-\$18.75+	2.23
\$18.76-\$19.00+	2.27
\$19.01-\$19.25+	2.31
\$19.26-\$19.50+	2.35
\$19.51-\$19.75+	2.38
\$19.76-\$20.00+	2.40
\$20.01-\$20.50+	2.43

TABLE III—RETAIL CEILING PRICES FOR ALL SHIRTS PURCHASED FROM GROUP B FACTORIES

Column 1 Supplier's ceiling price (per dozen)	Column 2 Retail ceiling price (per garment)
\$12.50-\$12.75+	\$1.30
\$12.76-\$13.00+	1.39
\$13.01-\$13.25+	1.42
\$13.26-\$13.50+	1.45
\$13.51-\$13.75+	1.48
\$13.76-\$14.00+	1.51
\$14.01-\$14.25+	1.55
\$14.26-\$14.50+	1.58
\$14.51-\$14.75+	1.61
\$14.76-\$15.00+	1.64
\$15.01-\$15.14+	1.67
\$15.15-\$15.23+	1.76
\$15.24-\$15.50+	1.76
\$15.51-\$15.95+	1.77
\$15.96-\$16.35+	1.78
\$16.36-\$16.55+	1.83
\$16.56-\$17.00+	1.89
\$17.01-\$17.50+	1.92
\$17.51-\$18.00+	1.98
\$18.01-\$18.50+	2.03
\$18.51-\$19.00+	2.11
\$19.01-\$19.50+	2.19
\$19.51-\$20.00+	2.23
\$20.01-\$20.11+	2.26
\$20.12-\$21.00+	2.30
\$21.01-\$23.00+	2.72
\$23.01-\$24.00+	2.78
\$24.01-\$25.00+	2.92

TABLE IV—OFFICIAL BOY SCOUT SHIRTS—ALL REGIONS

Lot No.	Description	Ceiling price
647	Scout heavyweight.....	\$2.25
648	Scout lightweight.....	2.00
687	Scout v-neck.....	1.70
805	Cub heavyweight.....	1.95
806	Cub lightweight.....	1.75
803	Cub v-neck.....	1.70

This amendment shall become effective November 21, 1945.

Issued this 20th day of November 1945.

CHESTER BOWLES,  
Administrator.

[F. R. Doc. 45-21105; Filed, Nov. 20, 1945;  
3:51 p. m.]

### TITLE 33—NAVIGATION AND NAVIGABLE WATERS

#### Chapter II—Corps of Engineers, War Department

#### PART 204—DANGER ZONE REGULATIONS

##### WATERS NEAR CAMP HULEN, TEXAS

The rules and regulations prescribed January 16, 1943, pursuant to the provisions of Executive Order 9168 of May 20, 1942 (7 F.R. 3841), to govern the use, administration, and navigation of the waters of Matagorda Bay, Lavaca Bay, Cox Bay, Keller Bay, Turtle Bay, Trespalacios Bay, Coon Island Bay, and Oyster Lake, Texas, comprising the firing range for the Coast Artillery Anti-aircraft Training Center, Camp Hulen, Texas, are hereby revoked.

§ 204.93 *Waters of Matagorda Bay, Lavaca Bay, Cox Bay, Keller Bay, Turtle Bay, Trespalacios Bay, Coon Island Bay, and Oyster Lake, Texas; Firing Range, Coast Artillery Anti-aircraft Training*



Center, Camp Hulen, Texas. [Revoked] (Regs. 16 January 1943) [Regs. 3 November 1945 (CE 800.2121 (Matagorda Bay, Texas)—SPEWR)]

[SEAL] EDWARD F. WITSELL,  
Major General,  
Acting The Adjutant General.

[F. R. Doc. 45-21103; Filed, Nov. 20, 1945;  
2:38 p. m.]

## TITLE 46—SHIPPING

### Chapter III—War Shipping Administration

[G. O. 16, Revocation of Rev. Supp. 4]

#### PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

WARNING CLAUSE PERTAINING TO UNAUTHORIZED DISCLOSURE OF CONTENTS OF BILLS OF LADING

Supplement 4, Revised, to General Order 16 (§ 303.22 *Warning clause pertaining to disclosure of contents of bills of lading to unauthorized persons*, 8 F.R. 9285) is hereby revoked.

[SEAL] E. S. LAND,  
Administrator.

NOVEMBER 20, 1945.

[F. R. Doc. 45-21125; Filed, Nov. 21, 1945;  
11:33 a. m.]

[G. O. 16, Amdt. 3 to Supp. 7]

#### PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

##### UNIFORM BILLS OF LADING

1. Section 303.32 *Uniform ocean bill of lading, short form, "Warshipshortblading"* (General Order 16, Supp. 7, 8 F.R. 929, 10 F.R. 2252) is amended by striking out the warning clause at the end of the bill of lading form.

2. Paragraph (b) of § 303.33 *Uniform ocean bill of lading for Government cargo, "Warshipshortblading (U. S. Gov. Form)"* (General Order 16, Supp. 7, Amendment 1, 9 F.R. 11547), provides in part that "Warshipshortblading (U. S. Gov. Form)" shall be identical with the form prescribed by § 303.32. Accordingly, the foregoing amendment applies to "Warshipshortblading (U. S. Gov. Form)".

(E. O. 9054, 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,  
Administrator.

NOVEMBER 20, 1945.

[F. R. Doc. 45-21126; Filed, Nov. 21, 1945;  
11:33 a. m.]

[G. O. 49, Supp. 1]

#### PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE WAR SHIPPING ADMINISTRATION

##### BOOKING AGREEMENT (DRY CARGO)

Paragraph (c) of § 303.45 *Booking agreement "Warshipbook (Dry Cargo)"*, 6/15/45" is hereby amended to read:

No. 229—2

(c) Operators may omit the warning clause which appears as the 5th paragraph of the preamble and immediately precedes Part I of said booking agreement prescribed by paragraph (e) of this section, and if authorized by the Director of Traffic, War Shipping Administration, may incorporate among the special provisions in Part I of the booking agreements any special provision appropriate to the trade, commodity or route. Special provisions may also be authorized by Traffic Regulations, Traffic Bulletins, Rate Orders, and Rate Advices.

(E.O. 9054, 3 CFR Cum. Supp.)

[SEAL] E. S. LAND,  
Administrator.

NOVEMBER 20, 1945.

[F. R. Doc. 45-21127; Filed, Nov. 21, 1945;  
11:33 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Order 130-A]

#### PART 12—RULES GOVERNING AMATEUR RADIO; STATIONS AND OPERATORS

##### VALIDATION OF CERTAIN LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of November, 1945 (superseding Order No. 130):

Whereas certain of the frequency bands allocated to the Amateur Radio Service in the Commission's Report of Allocations from 25,000 kilocycles to 30,000,000 kilocycles dated May 25, 1945 are now available for use by amateurs as authorized by this order; and

Whereas it is considered advisable that certain orders adopted by the Commission during the emergency, affecting the Amateur Radio Service, be cancelled, and that amateur station licenses be validated for a temporary period to permit the orderly processing of applications for new, renewed and modified licenses; It is ordered, That:

1. All amateur radio station licenses which were valid at any time during the period December 7, 1941 to September 15, 1942, and which have not heretofore been revoked are hereby validated for a six-month period commencing with the effective date of this order and ending May 15, 1946 (3 a. m., Eastern Standard Time).

2. (a) The following frequency bands are available for use for amateur station operation, subject to the limitations and restrictions set forth herein.

(1) 28.0 to 29.7 Mc. using type A1 emission.

(2) 28.1 to 29.5 Mc. using type A3 emission.

(3) 28.95 to 29.7 Mc. using special emission for frequency modulation (telephony).

(4) 56.0 to 60.0 Mc. using types A1, A2, A3 and A4 emissions and, on frequencies 58.5 to 60.0 Mc., special emission for frequency modulation (telephony).

This band is available for amateur operation until March 1, 1946 (3 a. m., Eastern Standard Time).

(5) 144 to 148 Mc., using A1, A2, A3 and A4 emissions and special emissions for frequency modulation (telephony and telegraphy). The portion of this band between 146.5 to 148 Mc. shall not be used, however, by any amateur station located within 50 miles of Washington, D. C., Seattle, Washington, or Honolulu, T. H.

(6) 2300 to 2450 Mc., 5250 to 5650 Mc., 10000 to 10500 Mc., and 21000 to 22000 Mc., using on these four bands, A1, A2, A3, A4 and A5 emissions and special emissions for frequency modulation (telephony and telegraphy).

(b) Upon the effective date of this order, no frequencies other than those assigned in this order shall be used for amateur operation.

3. The following orders of the Commission are hereby cancelled:

(a) Order No. 72, dated June 5, 1940, together with all amendments thereto, prohibiting amateur radio operators and amateur radio stations licensed by the Federal Communications Commission from exchanging communications with operators or radio stations of any foreign government or located in any foreign country.

(b) Order No. 73, dated June 7, 1940, together with all amendments thereto, prohibiting portable and portable-mobile radio station operation by licensed amateur operators and stations on frequencies below 56,000 kilocycles.

(c) Order No. 87, dated December 9, 1941, and Order No. 87A, dated January 9, 1942, prohibiting all amateur radio operation.

(d) Order No. 87B, dated September 15, 1942, suspending the issuance of renewed or modified amateur station licenses.

This order shall become effective the 15th day of November, 1945, 3 a. m., Eastern standard time.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 45-21124; Filed, Nov. 21, 1945;  
10:26 a. m.]

## Notices

### CIVIL AERONAUTICS BOARD.

[Docket No. 1501]

#### INVESTIGATION OF NONSCHEDULED AIR SERVICES

##### NOTICE OF ORAL ARGUMENT

In the matter of the investigation of nonscheduled air services.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding is assigned to be held on November 26, 1945, at 10 a. m. (eastern standard time), in Room 5042, Commerce Building, 14th Street

and Constitution Ave., NW., Washington, D. C., before the Board.

Dated: Washington, D. C., November 19, 1945.

By the Civil Aeronautics Board.

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 45-21129; Filed, Nov. 21, 1945;  
11:51 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-810]

TENNESSEE GAS AND TRANSMISSION CO.

### NOTICE OF APPLICATION

NOVEMBER 21, 1945.

Notice is hereby given that Tennessee Gas and Transmission Company, Applicant, a Tennessee corporation, filed its application on November 5, 1945, for a certificate pursuant to section 7 of the Natural Gas Act, as amended, for authorization to operate its existing facilities for the delivery of natural gas to the Taylor-Green Gas Company up to, but not in excess of 1,000 Mcf per day. Such deliveries are to terminate on March 31, 1946.

Applicant submits that it has been advised by the Taylor-Green Gas Company, that unless up to 1,000 Mcf of gas per day is delivered during the 1945-1946 winter season, a serious gas shortage will exist on its system and its customers will suffer severe curtailments and interruptions of its gas service. Applicant further asserts that the Taylor-Green Gas Company serves straight natural gas in the communities of Campbellsville and Greensburg, Kentucky, with a total population of approximately 3,600.

Applicant states that it is able to deliver the above quantities of natural gas without in any way interfering with or impairing its ability to serve its other existing customers, namely, Hope Natural Gas Company, United Fuel Gas Company, Louisville Gas and Electric Company, with the quantities of natural gas covered by its agreements with those companies.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 8th day of December 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 45-21120; Filed, Nov. 21, 1945;  
9:53 a. m.]

[Docket No. G-678]

TENNESSEE GAS AND TRANSMISSION CO.

### NOTICE OF APPLICATION

NOVEMBER 20, 1945.

Notice is hereby given that on November 13, 1945, Tennessee Gas and Trans-

mission Company, a Tennessee corporation with its principal place of business in Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the acquisition and operation as a part of its pipeline system the following facilities:

Compressor Station No. 7, located in Washington County, Mississippi, consisting of 9 1,000-h. p. Worthington angle-type compressor units, complete with land, buildings, auxiliary equipment and piping, together with camp housing facilities;

Compressor Station No. 9, located in Hardeman County, Tennessee, consisting of 7, 1,200-h. p. Clark angle-type compressor units complete with land, buildings, auxiliary equipment and piping, together with camp housing facilities;

Compressor Station No. 11, located in Robertson County, Tennessee, consisting of 9 1,000-h. p. Cooper angle-type compressor units complete with land, buildings, auxiliary equipment and piping, together with camp housing facilities, and

Compressor Station No. 13, located in Montgomery County, Kentucky, consisting of 6 1,200-h. p. Clark angle-type compressor units complete with land, buildings, auxiliary equipment and piping, together with camp housing facilities.

In Docket No. G-621, the Commission by order of June 8, 1945, authorized Tennessee Gas and Transmission Company, among other things, to operate under a lease agreement with the Defense Plant Corporation the above described facilities for the transportation and sale of natural gas during the period of the war emergency only. Such facilities were designed to increase the delivery capacity of Tennessee Gas and Transmission Company's existing pipeline system by an additional 60,000 Mcf per day.

Tennessee Gas and Transmission Company states that it will supply natural gas through the operation of the above described facilities in the States of Mississippi, Tennessee, Kentucky and West Virginia and other states adjacent thereto which may be served by the facilities of the connecting companies.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fifth day of December, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 45-21121; Filed, Nov. 21, 1945;  
9:53 a. m.]

[Docket No. G-679]

NORTHERN NATURAL GAS CO.

### NOTICE OF APPLICATION

NOVEMBER 20, 1945.

Notice is hereby given that on November 13, 1945, an application was filed

with the Federal Power Commission by Northern Natural Gas Company, a corporation organized under the laws of the State of Delaware, with its principal place of business at Omaha, Nebraska, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of (1) a two-inch side valve connection on the 18-inch gas transmission line of Applicant and (2) a measuring and regulating station to be located in the vicinity of the unincorporated community of Mynard, Cass County, Nebraska.

The application states that such facilities are required and are to be used to supply the entire natural gas requirements of the town of Mynard which, at the present time, does not have gas service; that Central Electric & Gas Company will purchase natural gas from Applicant and will serve this community through a distribution system to be constructed; that the estimated maximum daily demand is 130 Mcf and the minimum day demand is estimated to be 30 Mcf. Construction of the 2-inch valve connection and the measuring station is scheduled to start about May 1, 1946, and to be completed in approximately 30 days at a total estimated cost of \$2,180.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 5th day of December, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL]

LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 45-21122; Filed, Nov. 21, 1945;  
9:54 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

### Regional and District Office Orders.

[Region III Order G-23 Under 18 (c), Amdt. 5]

### FLUID MILK AND SPECIAL MILK IN WEST VIRGINIA

For the reasons set forth in the opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation and § 1351.-807 of Maximum Price Regulation No. 280, it is hereby ordered, That:

(a) The County of Wood is deleted from the list of counties appearing in paragraph (1) of Schedule A of Order No. G-23 under § 1499.18 (c) of the General Maximum Price Regulation (Order adjusting maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of West Virginia).

(b) A paragraph designated (1-a) is inserted between paragraphs (1) and (2) of Schedule A which shall read as follows:

(1-a) Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the County of Wood in the State of West Virginia:

*Type of Delivery, Container, Size, and Adjusted Maximum Price*

Retail; glass or other; one gallon or multiples thereof; 52¢ per gallon.  
 Retail; glass or paper; one-half gallon; 28¢ per half-gallon.  
 Retail; glass or paper; one quart; 14½¢ per quart.  
 Retail; glass or paper; one pint; 8½¢ per pint.  
 Retail; glass or paper; one-half pint; 7¢ per half-pint.  
 Wholesale; glass or other; one gallon or multiples thereof; 47¢ per gallon.  
 Wholesale; glass or paper; one-half gallon; 24¢ per half-gallon.  
 Wholesale; glass or paper; one quart; 12½¢ per quart.  
 Wholesale; glass or paper; one pint; 7½¢ per pint.  
 Wholesale; glass or paper; one-half pint; 4¢ per half-pint.

This amendment shall become effective November 20, 1945.

Issued November 20, 1945.

J. F. KESSEL,  
Regional Administrator.

For the reasons set forth in the accompanying opinion and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250, 9328 and 9599, I find that the issuance of Amendment No. 5 to Regional Order No. G-23 under § 1499.18 (c) to the General Maximum Price Regulation is necessary to correct maladjustments and inequities which would interfere with the effective transition to a peacetime economy.

J. C. COLLET,  
Stabilization Administrator.

Approved: November 16, 1945.

J. B. HUTTON,  
Acting Secretary of Agriculture.

[F. R. Doc. 45-21109; Filed, Nov. 20, 1945; 3:52 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2916]

INTERSTATE HOME EQUIPMENT CO., INC.

## ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of November, A. D. 1945.

In the matter of Trading on the New York Curb Exchange and the Chicago Board of Trade in the Common Stock, \$1 Par Value, of Interstate Home Equipment Co., Inc.; File No. 1-2916.

The Common Stock, \$1 Par Value, of Interstate Home Equipment Co., Inc., being listed and registered on the New York Curb Exchange and the Chicago Board of Trade, national securities exchanges; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such exchanges and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary

in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in such security be summarily suspended on the New York Curb Exchange and the Chicago Board of Trade in order to prevent fraudulent, deceptive, or manipulative acts or practices, this order to be effective for a period of ten (10) days from the date hereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-21111; Filed, Nov. 21, 1945; 9:52 a. m.]

[File No. 52-10]

## PORTLAND ELECTRIC POWER CO.

## NOTICE OF FILING OF ALTERNATIVE PLAN OF REORGANIZATION AND ORDER ENLARGING THE SCOPE OF HEARING TO CONSIDER SAID ALTERNATIVE PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of November, A. D. 1945.

The Commission by its notice and order of October 24, 1945 (Holding Company Act Release No. 6165) having designated November 26, 1945 as the date for the commencement of hearings on three plans of reorganization for Portland Electric Power Company, a registered holding company, filed by Thos. W. Deltzell and R. L. Clark, Trustees of said Portland Electric Power Company, and on a plan filed by Guaranty Trust Company, indenture trustee, which plans are summarized in said notice and order:

Notice is hereby given that Guaranty Trust Company of New York has on November 19, 1945 filed an alternative plan of reorganization. All interested persons are referred to said alternative plan which is on file in the office of the Commission, and which may be summarized as follows:

(1) In lieu of a distribution of the common stocks of Portland General Electric Company and Portland Traction Company to the security-holders of Portland Electric Power Company, it is proposed that said stocks will be offered for sale for cash, pursuant to public invitation for sealed written proposals;

(2) Holders of bonds will be paid in cash for the full principal amount of their respective claims and all accrued and unpaid interest thereon at the rate of 6% per annum to the date payment thereof is first made available to them. All other allowed claims of creditors against the debtor or the trustees will be paid in full in cash;

(3) Holders of prior preference stock, after provision has been made for the full payment of the prior claims of the holders of bonds and other creditors and of administration expenses and allowances, shall be paid in cash, the full par amount of the shares of such stock held by them and all accrued and unpaid dividends thereon at the rate of 7% per annum to the date payment thereof is first made available to them, or, if the amount available shall not be sufficient to make such payment, then the amount available shall be paid to the holders of prior preference stock pro rata in accordance with the number of shares of such stock held by them respectively;

(4) All cash remaining after provision has been made for the full payment of the prior claims of holders of bonds, other creditors, and holders of prior preference stock, and all administration expenses and allowances, shall be paid to the holders of first preferred stock. Such payment shall be made pro rata in accordance with the number of shares of such stock held by such holders until such holders shall have been paid \$100 for each share of such stock. Any payment in excess of \$100 for each share of such stock shall be made proportionately among the three series of such stock in accordance with the amount of dividends and arrears thereon:

(5) Said alternative plan does not contemplate that the second preferred stock and common stock shall participate in the assets of the debtor.

The Commission considering it in the public interest and in the interest of investors and consumers that the scope of the hearing heretofore set for November 26, 1945 should be enlarged to permit reception of evidence on said amended plan;

It is ordered, That the scope of the hearing be enlarged for the purpose of reception of evidence on said alternative plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 45-21112; Filed, Nov. 21, 1945; 9:52 a. m.]

[File Nos. 54-139, 59-12]

## ELECTRIC POWER &amp; LIGHT CORP., ETAL.

## NOTICE OF FILING AND ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of November, A. D. 1945.

In the matter of Electric Power & Light Corporation, Filed No. 54-139; in the matter of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, Ebasco Services Incorporated, respondents, File No. 59-12.

Notice is hereby given that Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company,

also a registered holding company, has filed an application for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 proposing action designed to afford to the holders of the \$7 preferred stock and the \$6 preferred stock of Electric the opportunity to exchange, on a voluntary basis, their holdings of shares of such stock for common stock of United Gas Corporation ("United"), a subsidiary of Electric, all as more particularly described below.

Electric is a Maine corporation and its business is exclusively that of a holding company. The capitalization and surplus of Electric as of September 30, 1945 adjusted to reflect (1) the sale of Electric's interest in Dallas Power & Light Company, (2) the retirement of Electric's debentures and (3) the divestment of Electric's interest in Utah Power & Light Company, are as follows:

<b>Preferred stock:</b>	
\$7 preferred cumulative, no par value, outstanding <sup>1</sup>	
514,162 shares <sup>1</sup> -----	\$51,416,200
\$6 preferred cumulative, no par value, outstanding	
255,430 $\frac{3}{4}$ shares <sup>1</sup> -----	25,543,067
Second preferred—series A (\$7) cumulative, outstanding 74,814 shares <sup>1</sup> ---	7,481,400
<b>Common stock and surplus:</b>	
Common stock, no par value, outstanding 3,453,787 -----	70,506,172
Earned surplus-----	1,147,858
<b>Total capitalization and surplus-----</b>	
<b>156,094,697</b>	

<sup>1</sup> The preferred stocks are shown at their liquidating value of \$100 per share; the values of the preferred and common stocks are not segregated on the books of the company.

The foregoing statement of capitalization and surplus does not reflect undeclared cumulative dividends in arrears at that date amounting to \$45,229,117 on the \$7 preferred stock (\$87.97 per share), \$19,259,271 on the \$6 preferred stock (\$75.40 per share), and \$7,069,923 on the \$7 second preferred stock (\$94.50 per share).

Of the securities of Electric outstanding, Electric Bond and Share Company owns 485 shares (0.09%) of \$7 preferred stock, 13,905 shares (18.59%) of \$7 second preferred stock, 1,976,638 shares (57.23%) of common stock, and option warrants (73.57%) to purchase 393,408 shares of common stock. The foregoing securities held by Electric Bond and Share Company represent 46.81% of the total voting power represented by all securities of Electric.

On August 22, 1942 the Commission entered an order pursuant to section 11 (b) (2) of the act requiring that the existence of Electric be terminated and that said company be dissolved, and that Electric proceed with due diligence to submit to the Commission a plan or plans for its prompt dissolution pursuant to section 11 (b) (2) of the act (File No. 59-12, Holding Company Act Release No. 3750). Electric appealed to the United States Circuit Court of Appeals which affirmed the action of the Commission. Thereafter Electric filed its petition for certiorari to the United States Supreme

Court which granted such petition and the matter was heard orally during the November 1945 term of that court which has not as yet rendered a decision.

United, a Delaware Corporation, is engaged in the retail distribution of natural gas. Its wholly owned subsidiaries are principally engaged in the production, purchase, transmission, and sale at wholesale of natural gas and crude oil and in the mining and sale of sulphur.

The capitalization and surplus of United and its subsidiaries per balance sheet of September 30, 1945 are as follows:

<b>Long term debt:</b>	
<b>United Gas Corporation:</b>	
First mortgage and collateral trust bonds, 3% series, due 1962-----	\$98,095,000
Subsidiaries-----	190,031
<b>Total long term debt-----</b>	
<b>98,285,031</b>	
<b>Capital stock and surplus:</b>	
<b>United Gas Corporation:</b>	
Common stock, \$10 par value issued 10,653,302.2 shares-----	106,533,022
Subsidiaries, common stock 126,449 shares-----	253,075
Minority interest in surplus of subsidiaries-----	428,132
Surplus—paid in-----	358,480
Surplus—earned-----	19,798,770
<b>Total capital stock and surplus-----</b>	
<b>127,371,479</b>	
<b>Total capitalization and surplus-----</b>	
<b>225,656,510</b>	

Of the securities of United outstanding, Electric owns 10,108,101 shares (94.88%) of the common stock.

The transactions proposed in the plan may be summarized as follows:

1. Electric proposes to exchange, on a voluntary basis, for each share of its outstanding \$7 preferred stock and \$6 preferred stock such number of shares of common stock of United held by Electric which will be specified by subsequent amendment to the Plan in accordance with the following procedure:

(a) At the first hearing pursuant to the Commission's notice of and order for hearing herein, Electric proposes to introduce in evidence written testimony which will constitute most of the direct testimony to be presented by Electric in support of the Plan. Such testimony will set forth the basic data upon which Electric's Board of Directors will later propose ratios of exchange of the common stock of United for preferred stocks of Electric.

(b) After the submission of such testimony, Electric will amend the Plan and will insert in such Amended Plan the number of shares of common stock of United to be offered in exchange for each share of \$7 preferred stock and each share of \$6 preferred stock of Electric. Electric proposes at that time to send to each of its security holders whose address is known to it a copy of such Amended Plan, together with such further notice with respect to the final hearing on the Amended Plan as the Commission may prescribe.

(c) In the event of approval of the Amended Plan Electric requests that the

Commission apply to an appropriate Court for its enforcement.

2. The offer of exchange is proposed to be made with respects to all rights and claims represented by each share of Electric's \$7 preferred stock and \$6 preferred stock accepted for exchange, including any and all rights and claims to accrued and unpaid dividends thereon.

3. If the provisions of the Amended Plan are approved by the Commission, and the court shall have entered a decree or order enforcing the Amended Plan, it is proposed that the offer of exchange be mailed to the holders of the \$7 preferred stock and \$6 preferred stock, and that the offer remain open for a period of 15 days: *Provided, however*, Such period may be extended for an additional 30 days by Electric and Electric may apply to the Commission for permission to make further extensions beyond such 30 days.

4. The Plan further provides that the offer may be accepted by a stockholder by the deposit (with the Exchange Agent to be designated by Electric) on or before 3 o'clock p. m., on the last day of the period during which the offer remains open, of the certificates of the shares of \$7 preferred stock and \$6 preferred stock to be exchanged. The Exchange Agent will deliver to each holder who shall have deposited preferred stock of Electric under the Amended Plan a certificate or certificates for the aggregate number of shares of common stock of United to which such holder shall be entitled under the proposed exchange offer.

5. It is further proposed that in lieu of fractional shares of United's common stock payments in cash will be made based upon the average closing market price of such common stock on the New York Curb Exchange on the first three days on which the offer of exchange is initially mailed to preferred stockholders.

6. The Plan further provides that preferred stockholders accepting the offer contained in the Amended Plan will be entitled to dividends on the common stock of United declared on or after January 1, 1946 and Electric will retain the dividends declared on such common stock prior to that date.

7. It is further provided that the Plan shall become effective upon the deposit thereunder, at any time prior to the expiration of the deposit period, of 75% of the aggregate number of shares of \$7 preferred stock and \$6 preferred stock outstanding, but Electric reserves the right to declare the Plan effective upon the deposit thereunder of a smaller aggregate number of shares.

8. The effectuation of the proposed Plan is conditioned upon the entry of appropriate orders by the Commission and the Court, as stated above, and is conditioned further upon the inclusion in such order of the Commission of recitals that the acquisition of the preferred stock of Electric and the distribution of common stock of United pursuant to the proposed offer of exchange are necessary or appropriate to the integration or simplification of the holding company system of which Electric is a member, are necessary or appropriate to

effectuate the provisions of section 11 (b) in accordance with the meaning and requirements of the Internal Revenue Code as amended, including 1808 (f) and Supplement R thereof.

Electric proposes after the expiration of the deposit period, as described above, and as a step in carrying out the plan, to restate its capital pursuant to applicable Maine statutes (a) to reflect the retirement of all shares of its preferred stock deposited under the Amended Plan and of 973 shares of \$7 preferred stock and 902 shares of common stock now held as reacquired stock, by eliminating such shares from the authorized capital of Electric; and (b) to restate any remaining outstanding shares of preferred stock at \$100 per share, and the outstanding second preferred stock at \$100 per share, and to assign to each of such shares of preferred stock an amount of capital equal to \$100 per share.

The Commission being required by the provisions of section 11 (e) of the act before approving any plan thereunder to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 and is fair and equitable to the persons affected by such plan, and it appearing that it is appropriate and in the public interest and in the interest of investors and consumers that notice be given and a hearing be held upon said Plan to afford all interested persons an opportunity to be heard with respect thereto, and that the application with respect to said Plan shall not be granted except pursuant to further order of the Commission; and

It further appearing to the Commission that the proceedings herein with respect to the pending Plan (File No. 54-139) and the proceedings herein directed to the dissolution of Electric (File No. 59-12) involve common questions of law and fact and that said proceedings should be consolidated, and that a hearing should be held in order that consideration may be given to an appropriate plan to effectuate compliance with the Commission's dissolution order regarding Electric:

*It is ordered*, That the proceedings entitled "Electric Bond and Share Company, et al., File No. 59-12" and "Electric Power & Light Corporation, File No. 54-139" be, and the same hereby are, consolidated and that any relevant evidence adduced in said former proceedings shall be incorporated in, and be deemed to be part of, the record in the proceedings in File No. 54-139, without prejudice, however, to the right of the Commission upon its own motion or upon the motion of any interested party to strike such portions of the record in the proceedings pursuant to section 11 (b) as may be deemed irrelevant to the issues raised with respect to the proposed Plan.

*It is further ordered*, That a hearing be held on the 10th day of December, 1945 at 10:00 a. m., E. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

Any person desiring to be heard at said hearing or otherwise wishing to participate therein shall file with the Secretary of the Commission on or before December 8, 1945, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the rules of practice of the Commission.

*It is further ordered*, That the hearing to be convened on December 10, 1945 shall be confined to a consideration of the direct testimony of Electric in support of the proposed Plan and the transactions incident thereto. At such time as the proposed amendment is filed with respect to the Plan, hearings will be reconvened and appropriate notice thereof will be duly given.

*It is further ordered*, That, without limiting the scope of the issues presented by the said Plan, as proposed or as hereafter amended, particular attention will be directed at said hearings to the following matters and questions:

(1) Whether the proposed Plan, as submitted or as hereafter amended, is necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

(2) Whether the proposed Plan, as submitted or as hereafter amended, is fair and equitable to the persons affected thereby and in the interest of investors.

(3) Whether the transactions proposed in the Plan comply with all the requirements of the applicable provisions of the Act and the Rules promulgated thereunder.

(4) Whether a Plan proposed by the Commission or by any qualified person in accordance with the provisions of section 11 (d) of the act should be approved for the purpose of effectuating the order of the Commission of August 22, 1942 directing that the existence of Electric be terminated and that said company be dissolved, and, if proposed by the Commission, what the terms and provisions of such Plan should be.

(5) Whether the fees and expenses and other considerations to be paid or to be received, directly or indirectly, in connection with the proposed Plan and transactions incident thereto, are for necessary services and are reasonable in amount and properly allocated.

(6) Whether, if the Plan, as proposed or as hereafter amended, is approved by the Commission, it is appropriate in the public interest or in the interest of investors or consumers that any terms or conditions be imposed in connection with such approval, and if so, what such terms and conditions should be.

*It is further ordered*, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or

to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved; and

*It is further ordered*, That notice of this hearing be given to Electric, United, Electric Bond and Share Company and to all other persons; said notice to be given to Electric, United, and Electric Bond and Share Company by registered mail and to all other persons by publication in the FEDERAL REGISTER.

*It is further ordered*, That Electric shall give notice of this hearing to all its security holders (insofar as the identity of such security holders is known or available to Electric) by mailing to each of said persons a copy of this Notice and Order for Hearing to his last known address at least 15 days prior to the date of this hearing.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[P. R. Doc. 45-21113; Filed, Nov. 21, 1945; 9:52 a. m.]

[File Nos. 59-12, 54-51]

ELECTRIC BOND AND SHARE CO. ET AL.

NOTICE OF FILING AMENDMENTS AND ORDER  
RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 16th day of November, A. D. 1945.

In the matter of Electric Bond and Share Company, National Power & Light Company, et al., File No. 59-12; in the matter of Electric Bond and Share Company, National Power & Light Company, File No. 54-51 Application 10.

National Power & Light Company ("National"), a registered holding company subsidiary of Electric Bond and Share Company ("Bond and Share"), also a registered holding company, having filed Application 10 under a "Plan Dated as of May 7, 1942 for compliance with section 11 (b) of the Public Utility Holding Company Act of 1935" (File No. 54-51) and Parts A, B, C, D, E, and F there under proposing therein a program for its dissolution and the liquidation of its remaining assets in compliance with an Order of this Commission dated August 23, 1941; and

National having proposed as Part D thereof to distribute to the former stockholders of Tennessee Public Service Company (the assets of which were taken over and the liabilities of which were assumed by National) the remainder of such assets remaining in the hands of National after liquidation of such liabilities, the details of such distribution to be supplied by amendment; and

National having proposed as Part E thereof a plan, pursuant to section 11 (e) of the act, for the compromise, settlement, and discharge of various claims involving Bond and Share and its wholly-owned service company subsidiaries, Ebasco Services, Incorporated, and



Phoenix Engineering Corporation on the one hand, and National, its subsidiaries, and certain of its former subsidiaries on the other hand, the details of the plan to be supplied by amendment, and said plan having been joined in by Bond and Share and by the subsidiaries of National and certain of its former subsidiaries with respect to the taking of all action necessary on their part to carry out the transactions; National having also requested that, if the plan is approved, the Commission apply to an appropriate Federal Court for an order enforcing such plan; and

National having proposed as Part F thereof, to distribute to, or dispose of, for the benefit of its common stockholders, its then remaining assets and to dissolve and terminate its corporate existence, the details of such final distribution and dissolution to be supplied by amendment;

Notice is hereby given that National has filed Amendments No. 1 and 2 to said Application 10, File No. 54-51, supplying in part the above-mentioned details, pursuant to the applicable sections of the act and the rules and regulations of the Commission promulgated thereunder. All interested persons are referred to said documents, which are on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

(1) National proposes, as Part D of Application 10, to distribute to the former preferred stockholders of Tennessee Public Service Company ("Tennessee") the sum of \$347,086.08 upon approval of this Commission and the approval of the Maine Court under the jurisdiction of which Tennessee was dissolved. Said sum consists of \$327,826.08 in cash which National has realized from the assets of Tennessee over and above amounts necessary to discharge all known liabilities of Tennessee, all of which liabilities have now been discharged, and \$19,260 which National expects to realize in cash for the benefit of Tennessee under the plan for the compromise settlement of claims against Bond and Share and its wholly-owned subsidiaries, which plan is described hereinafter. National proposes, in the event of approval by this Commission, to petition the Maine Court to amend the Decree of Dissolution of Tennessee entered June 1, 1939 and to appoint a trustee to take over the amount of \$347,086.08 and make disposition thereof to the former preferred stockholders of Tennessee. Of the total number of shares outstanding at dissolution, National owned 42,342 shares and the public held 7,261 shares and a substantial portion of the funds will hence become the property of National.

(2) National proposes, under the plan filed as Part E of Application 10, to effectuate a complete settlement and discharge of all claims of any of the parties to the plan, their subsidiaries, or their respective security holders, including but without being limited to claims specifically enumerated in the plan arising out of actions brought by certain stockholders of National for the benefit of Na-

tional, against Bond and Share, its wholly-owned subsidiaries Ebasco Services, Incorporated and Phoenix Engineering Corporation, and others. Under the terms of the compromise agreement:

(a) Bond and Share will pay to National Five Hundred Twenty-Five Thousand Dollars (\$525,000), in cash, in connection with the full settlement and complete discharge of any and all claims by National and certain of its present and former subsidiaries (named hereafter) and their respective security holders as such.

(b) National will pay to its present and former subsidiaries named herein, out of said sum of Five Hundred Twenty-Five Thousand Dollars (\$525,000), an amount equivalent to that portion calculated as representing net profit in respect to all service, engineering or construction fees or charges paid by them, respectively, to Ebasco Services, Incorporated and Phoenix Engineering Corporation during the period from December 1, 1935 to April 1, 1938, after deducting therefrom their proportionate part, respectively of fees and expenses applicable to the settlement. The portion of such fees and charges calculated as representing net profit, but before the deduction of such fees and expenses, with respect to each of such companies is as follows:

Birmingham Electric Co.....	\$44,000
Carolina Power & Light Co.....	70,000
Lehigh Valley Transit Co.....	13,000
Pennsylvania Power & Light Co.....	183,000
Houston Lighting & Power.....	89,000
West Tennessee Power & Light Co....	7,000
Total .....	406,000

The Commission is requested, in the event it approves this Plan, to apply to an appropriate court to enforce and carry out the terms and provisions of the Plan in accordance with the provisions of section 11 (e) of the act. The Commission is also requested, if it approves the Plan and the compromise embodied therein to approve the payment of an aggregate of \$80,000 by National of its present or former subsidiaries named therein to the plaintiffs or their attorneys or their accountants in the stockholders' actions referred to above in full settlement and satisfaction of all amounts which said plaintiffs or their attorneys or their accountants are or may be entitled to receive from National or its present or former subsidiaries therein named by way of reimbursement of disbursements or as allowances for legal or professional services. National will retain for itself such amount of the \$525,000 to be received from Bond and Share as is not paid to its subsidiaries and former subsidiaries or to the above-named plaintiffs, or their attorneys or accountants.

(3) Upon completion of the proposals enumerated above and upon the completion of plans to be filed with the Commission with respect to the recapitalization of Lehigh Valley Transit Company and Memphis Generating Company; National's major assets will consist of the common stocks of Birmingham Electric Company, Carolina Power & Light Company and Pennsylvania Power & Light

Company, its holdings of capital stock of Lehigh Valley Transit Company, Memphis Generating Company and cash. Thereupon, National, as Part F of Application 10, proposes: (1) Upon the taking of appropriate corporate action by its directors and stockholders to file under the laws of the State of New Jersey a Certificate of Dissolution and dissolve; (2) In dissolution to distribute to the holders of its common stock its then holdings in its then subsidiaries on a basis so that the holders of its common stock will receive for each share of such stock so held the following:  $\frac{1}{10}$  of a share of common stock of Birmingham Electric Company;  $\frac{1}{6}$  of a share of common stock of Carolina Power & Light Company;  $\frac{1}{6}$  of a share of common stock of Pennsylvania Power & Light Company;  $\frac{1}{10}$  of a share of capital stock of Lehigh Valley Transit Company;  $\frac{1}{10}$  of a share of capital stock of Memphis Generating Company; and their pro rata share in such residual assets of National as may be available for distribution after making provision for all of National's then liabilities. The manner, terms and time of such distribution are to be specified by amendment thereto.

It appearing to the Commission that further hearings should be held for consideration of the proposals contained in said amendments;

It is ordered, That a hearing be held on the 3rd day of January, 1946, at 11:00 a. m. e. s. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

Any persons desiring to be heard at said hearing or otherwise wishing to participate therein shall file with the Secretary of the Commission on or before December 31, 1945, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Willis Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the rules of practice of the Commission.

It is further ordered, That the hearing to be convened on December 18, 1945 shall be confined to a consideration of Parts D and E of National's Application 10, as amended, and applications incident thereto filed by National and Bond and Share. At such times as the proposed amendments are filed with respect to Parts B, C, and F, of National's Application 10, hearings will be reconvened and appropriate notice thereof will be duly given.

It is further ordered, That, without limiting the scope of the issues presented in the proceedings, particular attention will be directed at the hearing to be held



on December 18, 1945 to the following matters and questions:

1. Whether the proposals as submitted or as hereafter modified are necessary to effectuate the provisions of section 11 (b) of the act.

2. Whether the proposals as submitted or as hereafter modified are fair and equitable to the persons affected thereby.

3. Whether, if the transactions proposed are authorized by the Commission, it is appropriate in the public interest and in the interest of investors and consumers that any terms and conditions be imposed in connection with such authorization and, if so, what such terms and conditions should be.

4. Whether the fees and expenses proposed to be paid in connection with the consummation of the Plan and all transactions incidental thereto are for necessary services and are reasonable in amount.

5. Whether the Commission shall, in accordance with the petition of the parties to the Plan, approve the amounts of the proposed payments to be made by National to the plaintiffs or their attorneys or accountants in the legal proceedings specifically enumerated in the plan designated as Part E of Application 10, by way of reimbursement or disbursements or allowances for legal service and, if so, what action it should take in the exercise of its jurisdiction over this matter.

6. Whether the accounting entries in connection with the proposed transactions are in conformity with the standards of the Act and Rules promulgated thereunder.

7. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and rules thereunder.

*It is further ordered*, That jurisdiction be reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters herein set forth or which may arise in these proceedings or to consolidate with these proceedings other filings or matters pertaining to the subject matter of these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved; and

*It is further ordered*, That notice of this hearing be given to National, Bond and Share and to all other persons, said notice to be given by registered mail to National, Bond and Share, and to all persons previously granted intervention or participation in any of the proceedings consolidated herein, and to the attorneys of record in the legal proceedings specifically enumerated in the plan involving claims of the kind sought to be compromised, settled and discharged by the plan designated Part E of Application 10, and to all other persons by publication in the FEDERAL REGISTER; and

*It is further ordered*, That National shall give notice of this hearing to its common stockholders and that Bond and

Share and Lehigh Valley Transit Company shall give notice of this hearing to their preferred and common stockholders by mailing to each of said persons a copy of this notice and order for hearing at his last known address at least 20 days prior to the date of this hearing.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21114; Filed, Nov. 21, 1945;  
9:51 a. m.]

[File Nos. 59-20, 59-8, 54-75]

COMMONWEALTH & SOUTHERN CORP.  
(DEL.) ET AL.

#### ORDER DENYING PETITION FOR REHEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of November, A. D. 1945.

In the matter of The Commonwealth & Southern Corporation (Delaware), respondent, File No. 59-20; The Commonwealth & Southern Corporation (Delaware) and its subsidiary companies, respondents, File No. 59-8; The Commonwealth & Southern Corporation, (Delaware), File No. 54-75.

The Commission having, on June 30, 1945, issued an order approving a voluntary plan of reorganization pursuant to section 11-(e) of the Public Utility Holding Company Act of 1935 filed by The Commonwealth & Southern Corporation, a registered holding company, the plan as approved having provided for a vote of stockholders as a condition of enforcement of the plan by a Federal District Court;

The Commission having, on November 1, 1945, modified the said order so as to approve the plan on condition that the provision for a stockholders' vote be deleted within 15 days;

Certain holders of common stock of The Commonwealth & Southern Corporation having filed a petition for rehearing with respect to the order of November 1, 1945, on the grounds alleged in said petition;

The Commission having considered the said petition, and having concluded that it is without substance and does not set forth grounds for a rehearing,

*It is ordered*, That the petition be, and is hereby, denied.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21115; Filed, Nov. 21, 1945;  
9:52 a. m.]

[File No. 63-00]

STANDARD GAS AND ELECTRIC CO.

#### ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 19th day of November 1945.

Standard Gas and Electric Company, a registered holding company, having filed a declaration with amendments thereto regarding the solicitation of proxies from the holders of its Notes, Debentures and preferred stocks in connection with the election of directors of the Company;

Said amended declaration having contained copies of proposed letters, notices, reply cards, proxy statements and proxies, and a full statement of the manner in which the solicitation is proposed to be made;

Said amended declaration having further stated that Standard Gas and Electric Company proposes to engage the services of Georgeson & Co., 52 Wall Street, New York 5, New York, to encourage attendance by stockholders at the stockholders' meeting and to assist the Company in connection with said proposed solicitation of proxies;

The Commission having received a request from representatives of certain preferred stockholders of the Company that a hearing be held with respect to said proposed transactions, a public hearing having been held and the Commission having considered the record herein; and

It appearing that the solicitation of proxies of the stockholders as proposed to be conducted does not make it necessary or appropriate in the interest of, or for the protection of, investors or consumers or to prevent the circumvention of the provisions of the act or the general rules and regulations thereunder, for the Commission to issue any order with respect thereto other than an order permitting the amended declaration with respect to such solicitation to become effective;

*It is, therefore, ordered*, That the amended declaration with respect to the solicitation of proxies pursuant to Rule U-65 be and the same is hereby permitted to become effective forthwith; *Provided, however*, That such order shall not be construed as passing in any way upon any of the matters referred to in the solicitation material.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21116; Filed, Nov. 21, 1945;  
9:52 a. m.]

[File No. 70-1182]

CITIES SERVICE CO.

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1945.

Notice is hereby given that an application or declaration (or both) and an amendment thereto has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Cities Service Company, a registered holding company.

Notice is further given that any interested party may, not later than November 29, 1945, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said declaration, as filed or as amended, may be granted and permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application or declaration (or both) as amended which is on file in the offices of the Commission, for a statement of the transaction therein proposed, which may be summarized as follows:

Cities Service Company, as at September 30, 1945, had outstanding \$143,977,700 aggregate principal amount of 5% Debentures due at various maturities 1950 to 1969, of which \$7,789,372 were owned by Cities Service Oil Company (Pa.) and \$700,000 by Sixty Wall Tower, Inc., both non-utility subsidiaries of Cities Service Company.

Cities Service Company proposes to purchase the \$8,489,372 principal amount of its 5% Debentures held by its subsidiary companies, the purchase price of the proposed acquisitions to be credited on indebtedness of said subsidiary companies owing to Cities Service Company. Cities Service Company, in consideration for the purchase of \$7,789,372 principal amount of its 5% Debentures from Cities Service Oil Company (Pa.) will deliver for cancellation and retirement the 6% Note of Cities Service Oil Company (Pa.) due August 20, 1947 in the principal amount of \$5,911,625 and endorse the payment of \$1,877,747 on other notes of Cities Service Oil Company (Pa.) held by Cities Service Company and, in consideration of the purchase of \$700,000 principal amount of its 5% Debentures from Sixty Wall Tower, Inc., Cities Service Company will deliver for cancellation and retirement the 6% Demand Income Note of Sixty Wall Tower, Inc. in the principal amount of \$435,000 and endorse the payment of \$265,000 on other notes of Sixty Wall Tower, Inc. held by Cities Service Company. Adjustments are to be made for interest accrued to the date of closing on the debentures to be acquired and on the notes to be surrendered in payment of said debentures.

Cities Service Company requests that the sale to Cities Service Oil Company (Pa.) of the note of said company be excepted from the competitive bidding requirements of Rule U-50.

Cities Service Company states that counsel fees and expenses of the proposed transactions will approximate \$2,200.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21117; Filed, Nov. 21, 1945;  
9:51 a. m.]

[File No. 70-1183]

OHIO PUBLIC SERVICE CO. AND OHIO RIVER  
POWER, INC.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of November, A. D. 1945.

Notice is hereby given that a joint application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Public Service Company (Public Service) and its subsidiary Ohio River Power, Inc. (Power Company), direct and indirect subsidiaries, respectively, of Cities Service Power & Light Company, a registered holding company.

Notice is further given that any interested person may, not later than the 29th day of November 1945, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such joint application, as filed or as amended, may be approved or may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said joint application, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Power Company proposes to issue and sell to Public Service, the owner of all its presently outstanding common stock, and Public Service proposes to acquire additional shares of \$100 par value at the price of \$100 per share, in a total amount not to exceed 20,000 shares. Power Company proposes to use the proceeds of such sale solely for the purpose of paying a portion of the cost of additional generating facilities at its R. E. Burger Plant located at Dilles Bottom, Ohio. It is stated that the proposed sale of common stock will provide the cash requirements

of the construction program up to May 1, 1946. The total cost of the additional generating capacity is estimated at \$5,000,000.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21118; Filed, Nov. 21, 1945;  
9:51 a. m.]

[File No. 812-390]

BANKERS SECURITIES CORP. AND FRANK P.  
GRAVATT

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of November, A. D. 1945.

Bankers Securities Corporation, Philadelphia, Pennsylvania a registered investment company and Frank P. Gravatt, Ventnor, New Jersey filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) of the act a transaction in which Gravatt proposes to buy and Bankers Securities Corporation proposes to sell General Mortgage 6% Twenty Year Income Bonds of Shelburne Hotel Corporation in the principal amount of \$359,500 with stock attached amounting to 7,190 shares for the sum of \$449,375. Gravatt and Bankers Securities Corporation are each affiliated persons of Shelburne Hotel Corporation and hence affiliated persons of an affiliated person of each other.

It is ordered, Pursuant to section 40 (a) of the said act that a hearing on the aforementioned application be held on November 29, 1945 at 9:45 a. m. eastern standard time in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia 3, Pennsylvania; and

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to Bankers Securities Corporation, Frank P. Gravatt and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 45-21119; Filed, Nov. 21, 1945;  
9:51 a. m.]